

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
IMPROVING COMMISSION
PROCESSES

PP Docket No. 96-17

INITIAL COMMENTS
OF
VANGUARD CELLULAR SYSTEMS, INC.

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Vanguard Cellular Systems, Inc. ("Vanguard"), acting through counsel, submits its initial comments in response to the Notice of Inquiry, adopted February 8, 1996, in this Docket.

I. Introduction

1. Vanguard and its subsidiaries (collectively "Vanguard") are licensed by the Commission to provide non-wire cellular service in 26 different MSAs and RSAs in the eastern half of the United States. In addition, Vanguard is licensed to operate, largely in conjunction with its cellular systems, a series of point-to-point microwave paths under Part 21 (now Part 101) of the Commission's Rules. Finally, Vanguard owns, operates or leases space on numerous towers subject to Part 17 of the Commission's Rules. In connection with the ownership and operation of all these telecommunications facilities, Vanguard has extensive and almost daily interaction with the Commission's processes concerning wireless telecommunications licensees. Therefore, it clearly has standing to submit comments in this proceeding.

II. Tower Data Base Consistency

2. With the advent of the Commission's new tower registration program, it is critical that the Commission and Federal Aviation Administration coordinate and eliminate data discrepancies on tower locations. Discrepancies between the two data bases cause licensees additional time and expense to sort out, in some cases after the fact, which is the accurate set of geographic coordinates for a particular tower. The Commission should identify and eliminate such discrepancies to the maximum extent possible. In addition, the Commission should issue guidance to licensees for dealing with situations, where additional discrepancies are identified by licensees, to ensure that there are no unintended violations of the Commission's Rules.

III. Construction Height Flexibility

3. In an era where the Commission now permits, in some instances, pre-authorization construction, the Commission should give licensees more flexibility in constructing facilities consistent with FAA approvals. The Commission's processes should recognize the practicalities of how certain facilities are constructed and permit licensees to receive initial authorizations for a maximum tower/antenna height. Then the licensee should be permitted to build up to or below that approved height, subject to informing the FCC and FAA if necessary. This rule should apply to both Part 22 and Part 101 facilities. This would allow for the situation where, for example, a cellular licensee might propose and get clearance for a 250' tower with an antenna on top, but

initially put up an antenna at 200'. Moreover, it would permit a licensee who had obtained approval for a 250' tower to build to a lower height if its plans had changed. Such flexibility would save the time and resources associated with processing what effectively are repetitious and unnecessary requests to the FAA or FCC for the same location.^{1/}

IV. Electronic Filings

4. The Commission should move completely to an electronic filing system as soon as practicable. Electronic filings save time (since they can be done almost instantaneously), money and storage space. Even with microfiching, the Commission uses storage space and costs to receive and store copies, applications, notifications and various other filings. Microfiching, mailing and other processing expenses would be saved. Chances of lost or delayed filings would be reduced, if not eliminated. At a very minimum, this should be made an option for licensees governed by Parts 22, 101 and 17 as soon as possible.

V. Contested Applications

5. The Commission should take expeditious advantage of procedural and substantive rules for promptly dealing with contested applications. For example, it makes little sense for a contested unserved area application, seeking to serve an area

^{1/} Whether or not the Commission adopts such a processing rule, it must provide consistent guidance on its current rules. On a number of occasions Vanguard has perceived that it was receiving conflicting advice on the need to obtain additional FAA/FCC approvals if Vanguard constructs to a lower-than-approved height. Requiring such additional approvals makes little sense.

already covered according to data in the FCC's own data base, to remain pending for over two years. If the application is clearly defective on procedural or substantive grounds, the Commission must quickly enforce its rules to dismiss or deny the application. Not every application will be subject to such disposition. But the Commission can avoid the buildup of contested application backlogs by enforcing its rules in this fashion.

V. Wire Transfers Of Application Fees

6. The Commission should extend the use of wire transfer procedures to application fees. It will save time and money associated with the preparation, receipt and processing of checks, particularly by those who file a significant number of applications. To track payment by wire transfer, the Form 600 should be revised to include a space for inserting wire transfer information.

Respectfully submitted,

VANGUARD CELLULAR SYSTEMS, INC.

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